

**House File 2372 - Introduced**

HOUSE FILE 2372  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2090)

**A BILL FOR**

1 An Act relating to the preference for joint physical care of a  
2 child in awarding custody.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.41, subsection 5, paragraph a, Code  
2 2016, is amended to read as follows:

3 a. If joint legal custody is awarded to both parents,  
4 the court ~~may~~ shall award joint physical care to both joint  
5 custodial parents upon the request of either parent, unless  
6 the court determines that joint physical care is not in the  
7 best interest of the child. ~~Prior to ruling on the request~~  
8 ~~for the award of~~ awarding joint physical care, the court  
9 may require the parents to submit, either individually or  
10 jointly, a proposed joint physical care parenting plan. A  
11 proposed joint physical care parenting plan shall address how  
12 the parents will make decisions affecting the child, how the  
13 parents will provide a home for the child, how the child's  
14 time will be divided between the parents and how each parent  
15 will facilitate the child's time with the other parent,  
16 arrangements in addition to court-ordered child support for the  
17 child's expenses, how the parents will resolve major changes or  
18 disagreements affecting the child including changes that arise  
19 due to the child's age and developmental needs, and any other  
20 issues the court may require. If the court denies the request  
21 for joint physical care, the determination shall be accompanied  
22 by specific findings of fact and conclusions of law that the  
23 awarding of joint physical care is not in the best interest of  
24 the child.

25

EXPLANATION

26 The inclusion of this explanation does not constitute agreement with  
27 the explanation's substance by the members of the general assembly.

28 This bill directs that if joint legal custody is awarded  
29 to both parents, the court shall award joint physical care  
30 to both joint custodial parents, unless the court determines  
31 joint physical care is not in the best interest of the child.  
32 Current law authorizes but does not require the court to award  
33 joint physical care to both joint custodial parents.